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of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-third session

SUMMARY RECORD OF THE 1303rd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 21 August 1998, at 10 a.m.

Chairman: Mr. ABOUL-NASR

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CLOSURE OF THE SESSION

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GE.98-17800 (E)

The meeting was called to order at 10.10 a.m.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 3) (continued)

Draft decision concerning the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance (CERD/C/53/Misc.44/Rev.1) (continued)

1. Mr. WOLFRUM introduced a revised draft decision (CERD/C/53/Misc.44/Rev.1), that he had drawn up in consultation with Mr. Banton, Ms. McDougall and Mr. Yutzis, in order to reflect members' concerns expressed at the previous meeting.

2. The CHAIRMAN invited members to comment on the text of the revised draft decision.

3. Following a suggestion by Mr. RECHETOV, Mr. BANTON (Rapporteur) suggested that paragraph 4 should be amended to read: "... prevention of racial discrimination, including early warning and urgent procedures ...".

4. Mr. de GOUTTES, supported by Mr. SHAHI and Mr. NOBEL, said that the list of items proposed for the agenda of the World Conference should reflect the Committee's own experience more closely. He accordingly proposed that the list of items should be rearranged to end with the three items originally at the beginning of the list ("current realities in the aftermath of slavery and colonialism ... treatment of migrants, refugees, asylum seekers and displaced persons").

5. Mr. DIACONU said it seemed more sensible to begin with less specific items and go on to more specific ones.

6. Mr. WOLFRUM recalled the long debate on the issue at the previous meeting and appealed to members to accept the compromise text before them.

7. Following an informal show of hands, the CHAIRMAN said that he understood that the Committee agreed to adopt the paragraph, with the amendment suggested by Mr. Banton.

8. It was so decided.

9. The draft decision, as amended, was adopted.

10. Mr. van BOVEN thanked Mr. Wolfrum for his hard work on the compromise text, but said that he was still not happy with the result.

11. Mr. de GOUTTES said that, if there had been a vote on paragraph 4, he would have abstained.

12. Ms. McDOUGALL said that the Committee, as the main United Nations body concerned with racial discrimination, should be a major actor in the World Conference. She regretted that the Committee had not produced a more

substantive contribution to the agenda of the World Conference. The topics suggested compared unfavourably with those suggested by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for example.

13. Mr. GARVALOV said that he had been absent during the adoption of the decision, but in any case wished to dissociate himself from it.

REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY AT ITS FIFTY-THIRD SESSION UNDER ARTICLE 9, PARAGRAPH 2, OF THE CONVENTION (agenda item 10) (CERD/C/53/Misc.36/Rev.1; CERD/C/53/CRP.1 and CERD/C/53/Misc.52; CERD/C/53/CRP.1/Adds.1-14; future CERD/C/53/CRP.1/Add.15; CERD/C/53/CRP.1/Add.16 and Rev.1; CERD/C/53/CRP.1/Adds.17 and 18; CERD/C/53/CRP.1/Add.19 and CERD/C/53/Misc.32/Rev.2; CERD/C/53/CRP.1/Add.20; CERD/C/53/CRP.2 and Adds.1, 2 and 4)

Letter of transmittal (CERD/C/53/Misc.36/Rev.1)

14. Mr. DIACONU suggested that the last sentence should be couched in slightly more diplomatic terms so that it sounded less like a criticism.

15. Mr. van BOVEN supported Mr. Diaconu's suggestion and added that a paragraph on the Committee's involvement in, and work towards, the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance should be included. The wording should follow that of paragraph 3 of the Committee's draft decision concerning the Conference (CERD/C/53/Misc.44/Rev.1).

16. The CHAIRMAN said that he had taken note of members' remarks and would reword the letter accordingly.

17. The draft letter of transmittal was adopted, subject to drafting changes.

Document CERD/C/53/CRP.1 - Chapter I: Organizational and related matters

18. Mr. BANTON (Rapporteur) referred members of the Committee to the suggested changes to the draft annual report (CERD/C/53/Misc.52) (future A/53/18). The amendments to Chapter I seemed to be straightforward, but the Committee needed to decide whether the note circulated (no document symbol) regarding the letter transmitted by the Mission of Israel dated 12 August 1998 should be included in that Chapter.

19. Mr. DIACONU said that paragraph 7 should reflect the fact that Mr. Wolfrum had attended the last two weeks of the session, not just part of it.

20. The CHAIRMAN, speaking as a member of the Committee, said that it might be as well to avoid referring to the letter from the Mission of Israel in the report, since the discussion and views of the Committee on the question were already on record.

21. Mr. DIACONU suggested that the Committee should reiterate its General Recommendation IX which related to respect for members of the Committee as independent experts.

22. Mr. RECHETOV said he was convinced that it would be more circumspect to omit any reference to the issue and let the records speak for themselves.

23. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee did not wish to include in the report any reference to the issue raised in the letter from the Mission of Israel.

24. It was so decided.

25. The CHAIRMAN, responding to a point raised by Mr. van BOVEN, suggested that the amendment to paragraph 13 (CERD/C/53/Misc.50) should be adopted, since the decisions of the fifty-third session superseded those of the fifty-second session.

26. It was so decided.

27. Document CERD/C/53/CRP.1, as amended, was adopted.

Document CERD/C/53/CRP.1/Add.1 - Chapter II: Prevention of racial discrimination, including early warning and urgent procedures

A. Action taken by the Committee at its fifty-second session

28. Document CERD/C/53/CRP.1/Add.1 was adopted.

Document CERD/C/53/CRP.1/Add.2 - Chapter II: Prevention of racial discrimination, including early warning and urgent procedures

B. Action taken by the Committee at its fifty-third session

29. Document CERD/C/53/CRP.1/Add.2 was adopted.

Document CERD/C/53/CRP.1/Add.3 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Russian Federation; Switzerland; Israel; Netherlands; Czech Republic; Ukraine; Lebanon; Yugoslavia; Armenia; Libyan Arab Jamahiriya; Cameroon; Cambodia)

30. Mr. BANTON (Rapporteur) pointed out that document CERD/C/53/CRP.1/Add.3 contained the concluding observations relating to the periodic reports considered at the Committee's fifty-second session. Since then the Committee had received a letter from the Government of Yugoslavia commenting on the concluding observations concerning its eleventh to fourteenth periodic reports, which was reproduced as Annex VIII to document CERD/C/53/CRP.2/Add.4. He suggested that a cross-reference to that letter should be included in the document before the Committee, under paragraph 189.

31. It was so decided.

32. Document CERD/C/53/CRP.1/Add.3, as amended, was adopted.

Document CERD/C/53/CRP.1/Add.4 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Croatia)

33. Document CERD/C/53/CRP.1/Add.4 was adopted.

Document CERD/C/53/CRP.1/Add.5 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Cyprus)

34. Document CERD/C/53/CRP.1/Add.5 was adopted.

Document CERD/C/53/CRP.1/Add.6 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Cuba)

35. Document CERD/C/53/CRP.1/Add.6 was adopted.

Document CERD/C/53/CRP.1/Add.7 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Haiti)

36. Document CERD/C/53/CRP.1/Add.7 was adopted.

Document CERD/C/53/CRP.1/Add.8 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Estonia)

37. Document CERD/C/53/CRP.1/Add.8 was adopted.

Document CERD/C/53/CRP.1/Add.9 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Gabon)

38. Document CERD/C/53/CRP.1/Add.9 was adopted.

Document CERD/C/53/CRP.1/Add.10 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Jordan)

39. Document CERD/C/53/CRP.1/Add.10 was adopted.

Document CERD/C/53/CRP.1/Add.11 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Morocco)

40. Document CERD/C/53/CRP.1/Add.11 was adopted.

Document CERD/C/53/CRP.1/Add.12 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Nepal)

41. Document CERD/C/53/CRP.1/Add.12 was adopted.

Document CERD/C/53/CRP.1/Add.13 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Niger)

42. Document CERD/C/53/CRP.1/Add.13 was adopted.

Document CERD/C/53/CRP.1/Add.14 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Tonga)

43. Document CERD/C/53/CRP.1/Add.14 was adopted.

Future CERD/C/53/CRP.1/Add.15 - Chapter IV: Consideration of communications under article 14 of the Convention

44. Mr. BANTON (Rapporteur) drew attention to a document without a symbol circulated in the meeting room in English only, which would form part of chapter IV of the Committee's report. The remainder of chapter IV would be drafted subsequently by the staff responsible for communications from the Office of the High Commissioner for Human Rights in the standard format.

45. Mr. van BOVEN, referring to the last sentence of the third paragraph, questioned the reference to communication No. 10/1997. According to established practice, the communication having been declared admissible, information on the decision should not be published in the report until the Committee had also examined the communication on its merits.

46. Mr. DIACONU agreed that the decision taken on communication No. 10/1997 should not be published in the report, pending examination of the communication on its merits. He suggested that the current reference to the communication should be amended to include the names of the parties concerned (Habassi v. Denmark) and a mention only of the fact that the Committee had considered the communication at its fifty-third session.

47. The CHAIRMAN said he took it that that proposal was acceptable to the Committee.

48. It was so decided.

49. Future CERD/C/53/CRP.1/Add.15, as amended, was adopted.

Document CERD/C/53/CRP.1/Add.16/Rev.1 - Chapter V: Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention

50. Document CERD/C/53/CRP.1/Add.16/Rev.1 was adopted.

Document CERD/C/53/CRP.1/Add.17 - Chapter VI: Action taken by the General Assembly at its fifty-second session

51. In response to a request by Mr. DIACONU, Mr. BANTON (Rapporteur) said that chapter VI would be the most appropriate place in the report to mention

the joint contribution by Mr. Rechetov and Mr. Diaconu on reservations to the Convention prepared following a recommendation by the ninth meeting of chairpersons of human rights treaty bodies. He suggested that an appropriate additional paragraph should be inserted at the end of the document.

52. It was so decided.

53. Document CERD/C/53/CRP.1/Add.17, as amended, was adopted.

Document CERD/C/53/CRP.1/Add.18 - Chapter VII: Submission of reports by States parties under article 9 of the Convention

54. Mr. BANTON (Rapporteur) said that Mauritania and Uruguay should be added to the list of countries which had submitted reports under article 9 of the Convention.

55. Document CERD/C/53/CRP.1/Add.18, as amended, was adopted.

Documents CERD/C/53/CRP.1/Add.19 and CERD/C/53/Misc.32/Rev.2 - Chapter VIII: Third decade to combat racism and racial discrimination

56. Mr. BANTON (Rapporteur) drew attention to document CERD/C/53/Misc.32/Rev.2 containing two proposed new paragraphs to be added at the end of document CERD/C/53/CRP.1/Add.19.

57. Mr. WOLFRUM, referring to the second proposed new paragraph, questioned the need to single out the Roma community as a distinctive minority.

58. Mr. BANTON (Rapporteur) suggested that the words "like the Roma" should be deleted.

59. It was so decided.

60. Mr. HUSBANDS (Secretary of the Committee), replying to queries by the CHAIRMAN and Mr. BANTON, suggested that the Committee's earlier decision concerning items to be suggested for the agenda of the World Conference against Racism should also be incorporated in the document.

61. It was so decided.

62. Document CERD/C/53/CRP.1/Add.19, as amended, was adopted.

Document CERD/C/53/CRP.1/Add.20 - Chapter IX: Overview of the methods of work of the Committee

63. Document CERD/C/53/CRP.1/Add.20 was adopted.

Document CERD/C/53/CRP.2 - Annex I: Status of the Convention; Annex II: Agendas of the fifty-second and fifty-third sessions

64. Document CERD/C/53/CRP.2 was adopted.

Document CERD/C/53/CRP.2/Add.2 - Annex IV: Documents received by the Committee at its fifty-second and fifty-third sessions in conformity with article 15 of the Convention

65. Document CERD/C/53/CRP.2/Add.2 was adopted.

Document CERD/C/53/CRP.2/Add.4 - Annex VI: Country Rapporteurs for reports considered by the Committee at its fifty-second and fifty-third sessions; Annex VII: List of documents issued for the fifty-second and fifty-third sessions of the Committee; Annex VIII: Comments of the Government of Yugoslavia.

66. The CHAIRMAN drew attention to a letter dated 20 August 1998 addressed to him by the Permanent Mission of Yugoslavia, which had just been circulated. Speaking in his personal capacity, he said he saw no need to reproduce the letter in the report, since it was not a reply to a communication from the Committee and the Yugoslav Mission simply asked to have it circulated to all members of the Committee. It differed from the letter containing the comments of the Government of Yugoslavia on the Committee's concluding observations (CERD/C/53/CRP.2/Add.4, annex VIII), in which the head of delegation had requested that the letter should not only be circulated, but should also be discussed formally during the session. He suggested it was sufficient simply to take note of the letter just circulated.

67. Mr. de GOUTTES observed that in the earlier letter concerning the concluding observations, which had been reproduced in annex VIII, the delegation also had simply requested that it should be brought to the attention of the Country Rapporteur and the members of the Committee. He believed the Committee should follow the same procedure in both cases.

68. Mr. RECHETOV said that the letter from the Yugoslav Mission, which commented favourably on the Committee's work and provided a great deal of information, which might or might not be accurate, should be reproduced in the report for the sake of consistency and also to promote cooperation and dialogue with States parties.

69. Mr. DIACONU said that, in principle, any letter from a Government commenting on a decision or recommendation of the Committee, as did the one just circulated, ought to be included in the report.

70. Mr. WOLFRUM said that he opposed inclusion because Yugoslavia had asked simply that the letter should be circulated, and that request should be followed.

71. On a show of hands, the Committee decided not to include or refer to the letter dated 20 August in its report, but simply to take note of it.

72. Document CERD/C/53/CRP.2/Add.4 was adopted.

73. The draft report of the Committee to the General Assembly at its fifty-third session, as a whole, as amended, was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

74. Mr. BANTON (Rapporteur) said that the Bureau had reviewed the list of reports awaiting consideration (see document CERD/C/53/Misc.11/Rev.1) and suggested that the Committee should review the situation in the following States parties where it might decide on action which could prevent racial discrimination: Democratic Republic of the Congo, Rwanda and Sudan.

75. By the next session, the further information requested from Australia, the Czech Republic and the Federal Republic of Yugoslavia was likely to be available and would need to be considered.

76. The Committee then needed to decide which periodic reports it should consider during 1999, and the Bureau suggested the following:

Thirteenth and fourteenth periodic reports of Kuwait (CERD/C/299/Add.16)

Thirteenth and fourteenth periodic reports of Finland (CERD/C/320/Add.2)

Twelfth and thirteenth periodic reports of Peru (CERD/C/298/Add.5)

Ninth and tenth periodic reports of the Republic of Korea (CERD/C/331/Add.1)

Twelfth to fourteenth periodic reports of the Syrian Arab Republic (CERD/C/299/Add.20)

Tenth and eleventh periodic reports of Italy

Fifth to eighth periodic reports of Portugal

Eleventh to fifteenth periodic reports of Mongolia (CERD/C/338/Add.3)

Twelfth to fifteenth periodic reports of Costa Rica (CERD/C/338/Add.4)

Eleventh to thirteenth periodic reports of Austria (CERD/C/319/Add.5)

Seventh to fourteenth periodic reports of Lesotho (CERD/C/337/Add.1)

That would leave a number of reports still awaiting consideration.

77. The Committee was due to review the situation in a number of States parties, because they had not submitted a report for five years. Notifying a State party that it was due to be considered under the review procedure often encouraged it to produce its overdue report, particularly in the case of initial reports. The Bureau suggested that the Committee should review the situation in the following States: Bangladesh, Congo, Latvia and Slovenia. From an organizational point of view, the review procedure was useful because State party representatives did not usually attend the meetings and the discussion could therefore be held whenever convenient.

78. The Committee had decided to hold a general debate at the next session. The Bureau had discussed the matter and recommended that the debate should be completely open, with no predefined theme and with no one member appointed to open the debate.

79. The CHAIRMAN suggested that members should submit any comments on the proposed programme of work to the secretariat in writing.

80. Mr. BANTON (Rapporteur) said there was still the question of the assignment of country rapporteurs for the periodic reports scheduled for consideration at the fifty-fourth session - which the Bureau had decided to consider in the order of submission listed in document CERD/C/53/Misc.11/Rev.1, sections A and B, as far as Lesotho. After consultation with members of the Committee, and bearing in mind the established practice of rotating the country rapporteur for a given country, he had arrived at the following assignments: the Country Rapporteur for Kuwait would be Mr. Yutzis; for Finland, Mr. Sherifis; for Peru, Mr. de Gouttes; for the Republic of Korea, Mr. van Boven; for the Syrian Arab Republic, Mr. Shahi; for Italy, Mr. Wolfrum; for Portugal, Mr. Garvalov; for Mongolia, Ms. Zou; for Costa Rica, Mr. Yutzis; for Austria, Mr. Nobel; and for Lesotho, Ms. Sadiq Ali.

81. In the case of the States parties scheduled for consideration under the prevention procedure, the assignments would be the following: for the Democratic Republic of the Congo, Mr. Valencia Rodriguez; for Rwanda, Mr. van Boven; for Sudan, Ms. McDougall; for Australia, Ms. McDougall; for the Czech Republic, Mr. Diaconu; and for Yugoslavia, Mr. Nobel.

82. In the case of the scheduled reviews of the implementation of the Convention in States partes (CERD/C/53/Misc.11/Rev.1, sections C and E), the assignments were the following: for Bahrain, Mr. van Boven; for the Congo, Ms. Sadiq Ali; for Bangladesh, Mr. Banton; for Latvia, Mr. Diaconu; and for Slovenia, Mr. Rechetov.

CLOSURE OF THE SESSION

83. After an exchange of courtesies, the CHAIRMAN declared the fifty-third session of the Committee closed.

The meeting rose at noon.